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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 4 December 1992, at 10 a.m.

Chairman: Mr. ALSTON

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GE.92-18718 (E)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS (agenda item 5) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

France (E/1989/5/Add.1)

1. At the invitation of the Chairman, Mr. Chouraqui, Mr. Fonroget, Mr. Boschat, Mr. Titiun and Mrs. le Fraper du Hellen (France) took places at the Committee table.

2. The CHAIRMAN welcoming the French delegation, said some explanation was due to it for the length of time the Committee had taken to consider the additional information provided by France in April 1989 shortly after its second report had been considered by the Committee at its third session. As the Committee and its pre-sessional working group were still feeling their way towards developing a proper procedure for dealing with additional information, the revised recommendations relating to the second report had only been ready in time for a French response at the sixth session of the Committee in 1991. That consideration had been postponed to the present session at the request of the French Government.

3. Mr. CHOURAQUI (France) said that in responding to the recommendations regarding the additional information it had submitted (E/C.12/WG/1991/CRP.12) France was acting in accordance with its long-held view that the principles enshrined in the Covenants had no value unless they were given practical expression and provided, moreover, that undertakings made by States were duly monitored and periodically reviewed. France had submitted its second report on articles 10 to 12 of the Covenant in October 1987; on 14 February 1989, when the Committee had considered that report, the French representative had drawn attention to the far-reaching changes and considerable progress that had taken place in France since its initial submission. A further report (E/1989/5/Add.1) describing in detail those changes had been submitted to the Committee in April 1989. The French Government had asked for consideration of that report to be postponed from the sixth to the present session of the Committee in order to permit the responses to the Committee's recommendations on that report to be made by an inter-ministerial delegation from Paris competent to respond to any specific question the Committee might wish to put.

4. He would refer briefly to several points covered in the report, indicating the changes that had taken place in the interim period, in particular with regard to family benefits and differences in income levels between metropolitan France and the French Overseas Departments and Territories. Government policy had, for a number of years, been directed to levelling out those differences and providing equal treatment wherever possible in response to the wish to that effect expressed by the President of the Republic.

5. The report indicated the distinction to be drawn between the Overseas Departments (DOM) and the Overseas Territories (TOM). The status of the Overseas Departments had been governed by the principle of legislative assimilation since the adoption of the 1946 Constitution, which meant that all legislation and regulations were applicable in the Overseas Departments without any specific provision being required. That had been the framework within which the employment requirement for the payment of family allowances in the Overseas Departments (beginning with the first child) had been abolished. Since April 1989, the employment requirement had also been abolished for all other family benefits, including the family supplement, the special education allowance and the family support allowance. The cost of those measures, as detailed in the report, was of course large but the Government had considered it an essential step towards equality in social welfare. Social and family allowances would be fully brought into line with those paid in metropolitan France not later than 1 January 1995, under an Act adopted on 31 July 1991. The Overseas Departments, however, retained one more favourable component, the first child benefit. By 1 July 1992, 57.5 per cent of the discrepancy in family benefit had been absorbed and full parity would be achieved during 1993, despite the considerable financial burden involved.

6. The report also provided details of the minimum income for reintegration purposes (RMI) provided in the Overseas Departments. There had been no significant change in that area since, apart from an increase in the amounts involved to 1,779 francs a month for a single person and 2,669 francs a month for a two-person household, plus 534 francs a month for each additional person, equal to 80 per cent of the figures for metropolitan France. The cost of RMI in 1991 was 180,000 francs. During the past three years the Government had also continued its policy of reintegration, with particular emphasis on health, illiteracy programmes, vocational training, housing subsidies and home improvement in collaboration with bodies with expertise in those fields. In 1991, 640 million francs had been spent by the State as its contribution to reintegration.

7. The Government had referred in its report to the establishment of an exploratory commission to ensure the achievement of social equality between metropolitan France and the Overseas Departments. The Commission had conducted its work in 1989, in cooperation with elected representatives and officials of the Overseas Departments, and prepared the Ripert Report on which the Government's further work in the area was being based.

8. The Overseas Territories, under article 74 of the Constitution, had a unique form of administration defined by law in the light of their own interests in accordance with the principle of "legislative specialization". Many areas of administration came under the competence of the Territories, although the State continued to intervene when measures taken by the Territories proved inadequate or when the Government wished to ensure the implementation of certain economic and social rights, for which purpose the State concluded agreements with the Territory concerned for that purpose. In addition to the agreements listed in the report, the 1980 Agreement between the State and the Territory of French Polynesia had been extended on 16 February 1991 to include State assistance for the elderly and a further agreement had been concluded on 2 July 1992 between the State and the Territory of Wallis and Futuna on the same subject.

9. Turning to article 10 of the Covenant, he said that the figures for the minimum income for reintegration purposes (RMI) given in the report had since been increased to 2,224.11 francs for a single person and 3,336 francs for two persons to compensate for increases in the cost of living and ensure that all continued to enjoy a minimum standard of living.

10. With regard to the guaranteed minimum wage (SMIG), where levels in metropolitan France and in the Overseas Departments had long been unequal, a process leading to the elimination of the SMIG shortfall in Reunion and French Guyana had been initiated in July 1990 and completed by 1 January 1992. On 1 July 1992, the SMIG level had been 29.50 francs in the Overseas Departments as opposed to 34.00 francs in metropolitan France. The shortfall had thus fallen from 22 per cent in 1987 to 13 per cent in 1992, a not inconsiderable achievement; full equality was expected by 1 January 1995. France's determination to establish full equality in that area between the Overseas Departments and metropolitan France was thus clearly evident.

11. Since the additional information had been provided, France had made further provision for child welfare with the adoption on 12 July 1990 of an Act to protect children employed as models. During the past 20 years, increasing use had been made of children in advertising. However, although the conditions under which children could be employed in the performing arts was regulated by the Labour Code, there were no regulations concerning children employed as photographic models in advertising or taking part in fashion shows. In order to fill that legal loophole, the new Act set out the conditions regulating model agencies and, furthermore, accorded children working for advertising agencies the same protection as was extended to children employed in the performing arts. Copies of that Act were available for members of the Committee.

12. The CHAIRMAN thanked the representative of France for his statement. In the absence of any comments or questions from its members, it was evident that the Committee was entirely satisfied. The Government of France was to be congratulated on the serious and detailed manner in which it had responded to the points raised by the Committee.

13. Mr. Chouraqui, Mr. Fonroget, Mr. Boschat, Mr. Titiun and Mrs. le Fraper du Hellen (France) withdrew.

Netherlands (E/1989/5/Add.2)

14. At the invitation of the Chairman, Mr. Boddens-Hosang and Ms. Wolters (Netherlands) took places at the Committee table.

15. The CHAIRMAN, welcoming the Netherlands delegation, said that the reasons for the delay in considering the additional information provided by the Netherlands in 1989 had been largely the same as for the French report, namely the time taken to develop adequate procedures for processing such information within the Committee.

16. Mr. BODDENS-HOSANG (Netherlands) recalled that on 15 February 1989 the Committee had considered the second periodic report of the Netherlands on articles 6 to 12 of the Covenant and the report of the Netherlands Antilles on articles 13 to 15 of the Covenant. An impressive list of questions on those reports had previously been submitted to the Netherlands authorities. On the basis of those questions, the Netherlands delegation had at that session enjoyed a lengthy and fruitful dialogue with the Committee, in particular on Netherlands government policy on the creation of employment, the social security system, proposals for restructuring the health system and on narcotic drugs. Four questions on the right to housing had not been answered on that occasion but replies had been provided in a note to the Committee dated 27 June 1989. Although dating from three years previously, those answers had not lost their validity. Should the answers to the questions give rise to any further queries by the Committee, the Netherlands Government was fully prepared to discuss them either in a separate note or to include them in its forthcoming report to the Committee.

17. The CHAIRMAN invited the members of the Committee to put questions to the delegation of the Netherlands.

18. Mr. SIMMA suggested that the Committee should begin by hearing the comments of the Netherlands on the recommendations of the pre-sessional working group concerning the additional information submitted by the Government of the Netherlands (E/C.12/WG/1991/CRP.13), as revised by hand.

19. Mr. BODDENS-HOSANG (Netherlands) said that his delegation had only received knowledge of that document in a very informal fashion, but never officially. Nevertheless, the document had been passed on to the relevant authorities. He suggested that his Government could either include the information requested in a subsequent report or submit it to the Committee in a separate note at a later date.

20. Mr. SIMMA said that in view of the procedural confusion, the Committee should ask the Netherlands to include the information requested in its next report. He also noted that paragraph 3 of the recommendations was unclear and might give rise to the wrong interpretation.

21. The CHAIRMAN said that he regretted that the recommendations of the pre-sessional working group had not been officially submitted to the Netherlands. The Committee had no choice but to proceed as Mr. Simma had suggested. He therefore asked the delegation of the Netherlands to take formal note of document E/C.12/WG/1991/CRP.13 and requested the Government of the Netherlands to include a discussion of the information requested in it in its next report.

22. Mr. TEXIER said that the Committee must ensure that the procedure for requesting additional information was made clear by the end of the current session. He wondered why the Government of the Netherlands had not been officially asked to respond. The problem must be resolved, because the Committee's credibility was at stake.

23. The CHAIRMAN agreed. The procedure for requesting and considering additional information had not yet been adequately defined. He noted that the Committee had on its agenda a proposal for improving that procedure.

24. On behalf of the Committee he thanked the delegation of the Netherlands for their cooperation with the Committee and looked forward to receiving the additional information which the delegation had undertaken to provide.

25. Mr. Boddans-Hosang and Ms. Wolters (Netherlands) withdrew.

The meeting was suspended at 11.10 a.m. and resumed at 11.45 a.m.

Jordan (E/1989/5/Add.6)

26. At the invitation of the Chairman, Mr. Talhouni and Mr. Khasawneh (Jordan) took places at the Committee table.

27. Mr. TALHOUNI (Jordan) said that his Government attached particular importance to the Covenant on Economic, Social and Cultural Rights and to the monitoring work of the Committee. Jordan had been in the forefront of efforts to promote economic, social, cultural and educational rights. The country was not rich in natural resources, and its citizens were thus its most valuable asset. The Jordanian Government had constantly endeavoured to develop its human resources so that the country would thrive. Time had proved the validity of that approach: Jordan had advanced technologically and scientifically in all fields, reaching levels that even some rich countries had been unable to attain. It had emerged as a centre for medical treatment and education serving citizens from neighbouring States. Educated Jordanians had become the country's capital and wealth, and neighbouring countries sought to attract them so as to benefit from their expertise. The earnings of educated Jordanians represented an important part of Jordan's economy and a major source of budget revenue.

28. Under the Constitution, power was divided between the legislative, executive and judicial branches. Members of Parliament were directly elected by the citizens; senators were appointed by the King. The role of the judiciary was to protect the rights of citizens in general, and it was completely independent. International treaties ratified by Jordan took precedence over domestic legislation. In the human rights field, over the past few years Jordan had become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Political Rights of Women, and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. Jordan was, in fact, one of the countries in which democracy and human rights were practised in their best forms.

29. The efforts to protect economic, social and cultural rights had encountered a number of difficulties due to the lack of resources, particularly since the financial assistance formerly received from certain other States had declined. Nevertheless, Jordan had adapted its economy to

the new situation, reaching agreements with creditors, paying off debts with local products and implementing the IMF's recommendation that the volume of imports should be decreased.

30. In recent years Jordan had taken in over 300,000 returnees from the Gulf States, representing an increase of nearly 10 per cent in its population. As a result, schools were having difficulty in absorbing the 72,000 extra pupils, rents had risen, as well as the cost of living in general, and development projects had been disrupted. Unfortunately, the latest available statistics had been prepared in 1990, before the influx of returnees from the Gulf. The Committee would be supplied with new statistics reflecting the current situation as soon as they had been compiled.

31. According to a recent study, in 1991 the unemployment rate had been 18.8 per cent, varying greatly from one part of the country to another. A large proportion of the unemployed had high educational qualifications. Owing to the Gulf war and its after-effects, the number of requests for Jordanian workers received from other countries had declined.

32. Income from the use of the Aqaba port had fallen off sharply as a result of the end of trade with Iraq. Whereas 20 million tonnes of cargo had passed through it in 1988, the total volume so far in 1992 had been only 14 million tonnes. The port was currently operating at only 60 per cent of its capacity, and many workers had had to be dismissed. Exports of phosphates had decreased by 33 per cent over the past three years as a result of the Gulf crisis and the difficult economic situation in eastern Europe. On the other hand many returnees from the Gulf had brought large sums of money with them, and hard currency bank deposits in Jordan had risen from US$ 1.4 billion in February 1991 to US$ 3.2 billion in July 1992.

33. Jordan was committed to achieving the IMF targets and had reduced its budget deficit to below the figure recommended by the Fund. The action taken in that respect had, however, led to increased unemployment.

34. The Committee had asked certain questions regarding education in Jordan. Up-to-date statistics would be provided soon. The most important point was that free and compulsory education was guaranteed by the Constitution, regardless of religion, origin or sex. The period of compulsory education was now 10 years, based on a national policy formulated in 1988. Education policy was not subject to any military or emergency measures. Great progress had, in fact, been achieved in education. Schools had been built in all parts of the country, 35 per cent of the population was enrolled in some kind of educational institution, and the illiteracy rate had fallen from 64 per cent in 1962 to 20 per cent in 1989. Education had not been affected by the events of 1989. Premises had been rebuilt, school staffs had been kept intact, and in general the crisis had been overcome. Although the working week had been reduced to five days and cars could be used for only three days a week, school hours had not changed. The Government had affirmed its commitment to implement education development programmes, and the budget for education amounted to nearly 8.5 per cent of the total national budget and had increased rapidly over the past three years. Arabic was the mother tongue of the entire population.

35. Most replies to the questions put by the Committee were to be found in document E/1989/5/Add.6. However, he would now like to take up some of the queries which had not yet been dealt with in detail.

36. The mass media had informed citizens about the international human rights instruments to which Jordan was a party, including the International Covenant on Economic, Social and Cultural Rights. The Government also publicized, through the press and through seminars in which the various sectors of Jordanian society participated, the contents of the reports submitted to human rights treaty bodies. Sequences from the seminars were broadcast on radio and television so that as many citizens as possible could become aware of what took place at them. The Ministry of Education had also organized a monthly one-hour class in which lectures were given on different aspects of human rights and the various international instruments ratified by Jordan. Each month a different theme was chosen, such as political rights, the rights of the child, economic and social rights, or the rights of women. The international instruments related to the theme were explained so as to allow students at different levels to absorb fully their meaning. In the universities, seminars were held on all aspects of human rights, with exchanges of views between academics, legal experts, students and all those interested in the subject; the rights of citizens resulting from Jordan's ratification of a large number of human rights instruments, including the Covenant, were discussed at length. A number of programmes discussed economic, social and cultural problems, such as that which explained economic rights linked to or emanating from the Covenant while others focused on the awareness of citizens of their economic and cultural rights, in order to exchange views and educate the public. Questions came from every part of Jordan and from various sectors of society, so that the views of Jordanian citizens were reflected extensively.

37. Replying to the questions about the effect of the Jordanian external debt on rights provided for in the Covenant, he said that there had been a slow-down in building further schools and expanding existing ones. Six new national universities had been set up since the beginning of 1990. The rapid increase in the number of universities attested to the Government's efforts to provide university education for all who would benefit from it, particularly since the capacity of the three government universities to absorb students was insufficient in the context of the large population increase and the current economic situation. The Government had therefore allowed the private sector to establish national universities.

38. The State guaranteed the right of all citizens to enjoy the cultural life of their choice. Cultural seminars, clubs and meeting places were open to all Jordanian citizens irrespective of their religion, race or national origin, and participation was open to all. There were certain clubs for ethnic minorities, such as Circassians, Chechens, Armenians and Syrians where cultural and sports activities were carried on as well as activities aimed at maintaining the minorities' national heritage. Christian Arabs had national societies and social clubs in every part of the country, the most important being the Orthodox Club. There were also special schools for Christian citizens, imparting the standard government curricula and in addition special religious classes for the children of each religious group and sometimes classes in a foreign language such as French. Those schools were open to all

and some Moslem citizens sent their children to them. The Moslem population also had special schools in which the same curricula were used as in government schools in addition to classes in language. In most government schools there was further Islamic education: those schools were open to all children and in some there were Christian students. The Ministry of Education had tried to bring the content and methods of education into line with the developments of the age: it had increased the number of subjects taught, including computer technology, music and artistic expression, and made them available to all pupils in the Jordanian State.

39. Creative and artistic freedom were covered by article 15 of the Jordanian Constitution under which every Jordanian could express his opinion freely in writing and photography and all forms of expression provided he stayed within the law.

40. With regard to steps taken to guarantee the rights of all and to allow deprived sectors to benefit from scientific developments, the Government provided free medical treatment to State employees and their families; the armed forces also provided free medical treatment, including medicines, as did the professional organizations, such as those of lawyers, pharmacists and journalists. Treatment was provided also outside the country at State expense when the treatment required was not available in Jordanian hospitals.

41. He hoped that he had fully answered the Committee's questions.

42. The CHAIRMAN, thanking the Jordanian representative for his comprehensive statement, said that the Committee had no further questions at present. He congratulated the Government of Jordan on the way in which it had answered the points raised by the Committee.

43. Mr. Talhouni and Mr. Khasawneh (Jordan) withdrew.

Philippines (E/1989/5/Add.7)

44. At the invitation of the Chairman, Mr. Villaroel and Ms. Bernaditas (Philippines) took places at the Committee table.

45. The CHAIRMAN asked whether the delegation of the Philippines wished to answer the two questions raised by the pre-sessional working group or to include their answers in their country's next report.

46. Mr. VILLAROEL (Philippines) said that he preferred to include the answers in his country's next report.

47. The CHAIRMAN commended the Philippines delegation for the extensive information they had submitted in writing.

48. Mr. VILLAROEL (Philippines) said that he had prepared a short statement updating the Philippines report, but would prefer, instead of delivering it, to distribute copies to the Committee.

49. The CHAIRMAN thanked the delegation of the Philippines for their cooperation with the Committee.

50. Mr. Villaroel and Ms. Bernaditas (Philippines) withdrew.

51. The CHAIRMAN noted that the recommendations by the pre-sessional working group concerning Panama had not been adopted and forwarded to the Government of Panama. Since none were in the form of requests for further information but were rather statements to the effect that certain issues had not been dealt with, he suggested that one member of the Committee should follow the discussion at the next meeting when the representative of Panama would be present and identify issues still outstanding at the end of the meeting to enable the Committee to adopt the relevant recommendations of the working group.

52. After a procedural discussion in which the CHAIRMAN and Mr. SIMMA participated, Mrs. BONOAN-DANDAN volunteered to monitor the discussion on Panama.

The meeting rose at 1 p.m.